

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GAINES, :
:

Plaintiff, :
:

- against - :
:

DISTRICT COUNCIL 1707 HEALTH &
INSURANCE FUND, et al., :
:

Defendants. :
:

X :
08 Civ. 4229 (RMB) (GWG)

ORDER

The parties having settled before United States Magistrate Judge Gabriel W. Gorenstein,
it is hereby

ORDERED, that the above-entitled action be, and the same hereby is, discontinued;
provided, however, that the Plaintiff or Defendants may apply, on or before September 9, 2009
(noon), by letter showing good cause why this action should be restored to the calendar of the
undersigned. The conference scheduled for August 12, 2009 at 9:00 a.m. is vacated.

SO ORDERED.

Dated: New York, New York
August 6, 2009

Richard M. Berman

Richard M. Berman, U.S.D.J.